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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,156	08/21/2001	David Roth Rigney		7387
759	90 04/22/2003			
David R. Rigney			EXAMINER	
GENETWORKS Inc. P.O. Box 33296			LY, CHEYNE D	
Austin, TX 787	704		ART UNIT	PAPER NUMBER
			1631	. /
		•	DATE MAILED: 04/22/2003	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Chapter C		•	Application No.	Applicant(s)		
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The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Elevations for the many be available and the the provisions of 10 CRF 1.136(s). In or event, however, may a reply be limitely filled Elevations for the place specified above is less than hithly (30) days, a reply within the statutory minimum of thing (30) days will be considered timely. If the period for reply specified above is less than hithly (30) days, a reply within the statutory minimum of thing (30) days will be considered timely. If the period for reply specified above is less than hithly (30) days, a reply within the statutory minimum of thing (30) days will be considered timely. If the period for reply specified above is less than hithly (30) days, a reply with the statutory minimum of thing (30) days will be considered timely. If the period for reply specified above is less than hithly (30) days and a reply to limit the period for reply specified and the period of the statutory minimum of thing (30) days will be considered timely. If the period for reply specified above is less than hithly (30) days and is considered timely. A proper reviewed by the Office later from these months after the mailting date of this cummunication, even if limity field, may reduce any search of the mailting date of this cummunication, even if limity field, may reduce any search of the mailting date of this cummunication, even if limity field, may reduce any search of the mailting date of this cummunication, even if limity field, may reduce any search of the mailting date of this cummunication, even if limity field, may reduce any search of the mailting date of this cummunication, even if limity field, may reduce any search of the mailting date of this cummunication, even if limity field may reduce any search of the mailting date of this cummunication, even if limity field on mailting and		Office Action Summary	Examiner	Art Unit		
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Application/Control Number: 09/934,156

Art Unit: 1631

DETAILED ACTION

1. The art unit designated for this application has changed. Applicants(s) are hereby informed that future correspondence should be directed to Art Unit 1631.

Election/Restrictions

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claim 1, drawn to a system for annotating sets and subsets of genes, classified in class 702, subclass 19.
 - II. Claims 2 and 3, drawn to a system for evaluating the quality of gene clustering, classified in class 702, subclass 19.
 - III. Claims 4-6, drawn to a computer method of clustering gene expression data, classified in class 702, subclass 19.
- 3. Inventions of groups [I, II] and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant application, the computer system of groups I and II may be utilized in the distinct usages as needed in Group III, method of clustering gene expression data. Alternatively, the said computer system may be utilized as needed in a method for automating a high throughput screening (HTS) protocol and storing the generated HTS data. All of these usages are distinct as requiring distinct and different functions and results thereof without overlapping search due to different subject matter. This lack of overlapping searches documents the undue search burden if they were search together.

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- 4. The inventions of Groups I and II are distinct inventions because they are different computer systems requiring specific limitations for achieving their intended utilities. Group II differs from Group I because Group II requires training subsets, a means for calculating the fractions of documents and a means for measuring central tendencies to achieve the intended utility of evaluating the quality of gene clustering. Group I does not require the above listed limitations in order for the claimed invention of Group I to achieve its intended utility of annotating sets and subsets of genes. It is acknowledged that the commonality of the two groups is the data contained in each system. However, the different processing means for achieving their intended utilities causes the inventions to be distinct. Therefore, the distinct inventions support the undue search burden if they were examined together.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 193), and 1157

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Art Unit: 1631

OG 94 (December 28, 1993) (see 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703) 308-4242 or (703) 305-3014.

- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (703) 308-3880. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.
- 10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703) 308-4028.
- 11. Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instruments Examiner, Tina Plunkett, whose telephone number is (703) 305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

C. Dune Ly 4/21/03

ARDIN H. MARSCHEL PRIMARY EXAMINER